

MISSOURI DEPARTMENT OF
HEALTH AND SENIOR SERVICES

FAMILY CARE SAFETY REGISTRY
ANNUAL REPORT

FISCAL YEAR 2008

FAMILY CARE SAFETY REGISTRY

ANNUAL REPORT – FY 2008

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INTRODUCTION

Families are faced with making a difficult decision when hiring someone to help care for a child, elderly or disabled person, whether it is locating child care, placing a family member in a nursing home, or finding a caregiver to come into their private home to provide care. Many times this caregiver has unsupervised access to these most vulnerable family members. The family may have limited time to form an opinion about the suitability of a caregiver and may have little or no opportunity to make inquiries into their background. Several state agencies collect information that can assist the family with making a decision, however, it may take anywhere from several days to several weeks for them to receive background screening information. In addition to the needs of families, many employers of caregivers are required to obtain background screening information for regulatory or contracting purposes. Employers, such as child-care centers and nursing homes, often have difficulty in recruiting and maintaining skilled staff and the delays they experience in obtaining background screening results impacts their ability to hire and retain staff. In response to these needs, the Family Care Safety Registry was created.

The Missouri Department of Health and Senior Services, in coordination with the departments of Social Services, Public Safety, Mental Health and Corrections, established the Family Care Safety Registry and Access Line on January 1, 2001 in accordance with the Family Care Safety Act (Sections 210.900 to 210.936, RSMo). The Family Care Safety Registry (Registry) serves as a central resource for background screening information maintained by the Missouri State Highway Patrol (MSHP), Department of Social Services (DSS), Department of Mental Health (DMH) and the Department of Health and Senior Services (DHSS). Those wishing to hire a caregiver may contact the Registry using a toll-free access line or the Internet and obtain background information. Information accessed by the Registry includes: criminal history, Sex Offender Registry, substantiated claims of child abuse/neglect, the DHSS Employee Disqualification List, the DMH Employee Disqualification Registry, and child care license and foster parent license denials, revocations and suspensions.

The Registry became operational January 1, 2001, and utilizes a computer interface to streamline the process to obtain background information from various state agencies. The Registry maintains a toll-free access line to respond to requested information and allows the requestor to receive an immediate response as often as they like at no cost. The access line is staffed from 7:00 a.m. to 6:00 p.m., Monday through Friday.

REGISTRY OPERATIONS

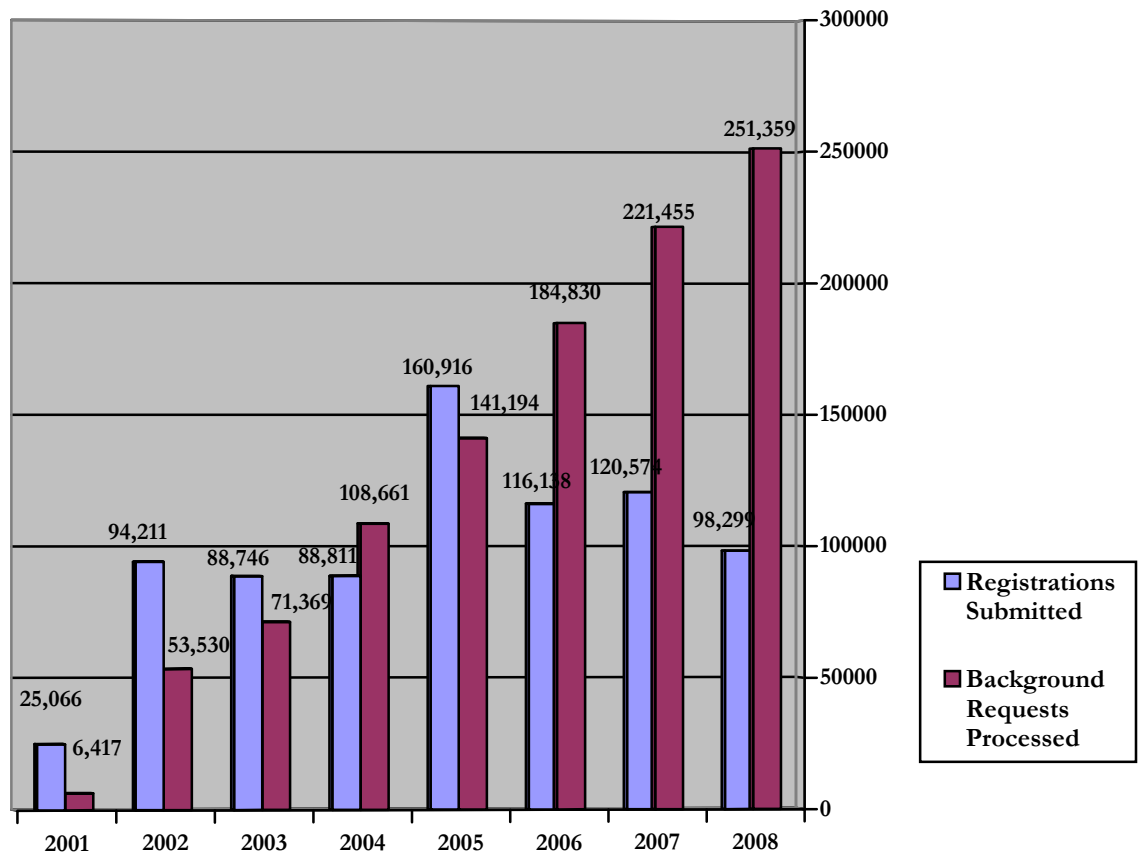
The Registry maintains a database of caregivers who are required to register within 15 days of hire. The caregiver's name, address, social security number and date of birth information are entered into a computer system. As part of the registration process, an electronic background screening is performed using a computer interface to search criminal history, the Sex Offender Registry, the child abuse/neglect registry, the DHSS Employee Disqualification List, the DMH Employee Disqualification Registry, child care licensure and foster parent license information. The result of the background screening reflects real-time information from these computer files. The caregiver is notified of the background screening results as a result of registration.

After registration is completed, employers (including family members) may contact the Registry using a toll-free access line, the Internet, FAX or by mail to obtain a background screening on caregivers who are registered, at no cost to the requestor. An updated background screening is obtained using the computer interface each time a request is received. This means if information is added or deleted from the computer files by an interfaced agency (DSS, DHSS, DMH, MSHP), the addition or deletion will be reflected in the result reported. Both the requestor and the caregiver receive written notification of the background screening results provided. The caregiver is also provided with the name and address of the employer who made the request.

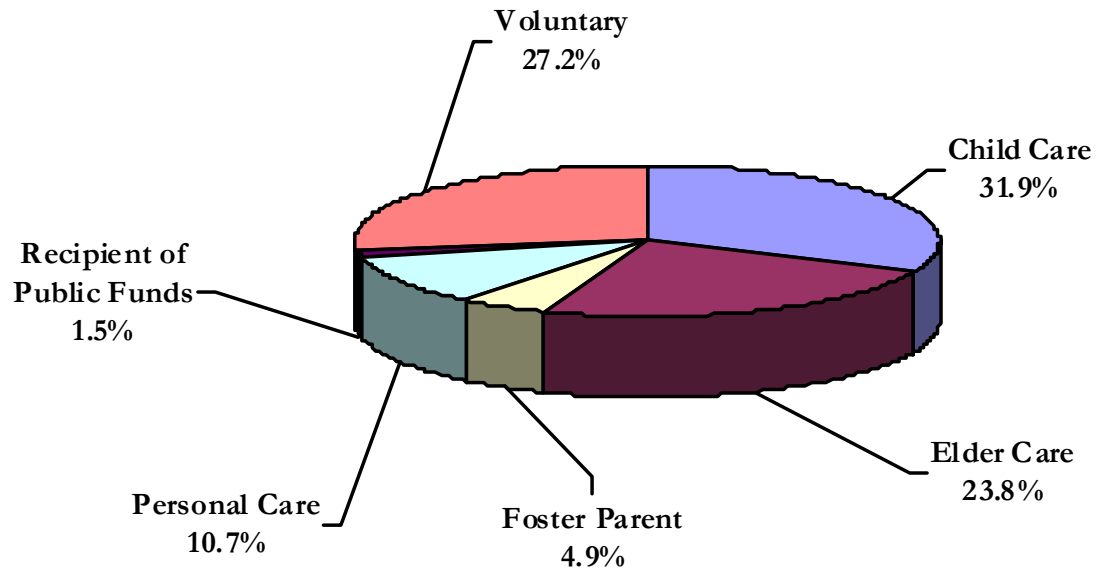
The Registry is a request-driven system, so information is provided to employers only when they contact the Registry. The Registry is not authorized to proactively contact employers or regulatory agencies to alert them of a change in the background of an individual, or to enforce the registration requirements.

Since January 1, 2001, the Registry processed 572,624 registrations from caregivers and processed 1,035,087 background requests. In FY 2008, the Registry experienced a 19% decrease in the receipt of new registrations and a 13.5% increase in the number of requests for background screenings.

Registry Activity
FY 2001 - FY 2008



**Registrations by Caregiver Occupation
FY 2008**

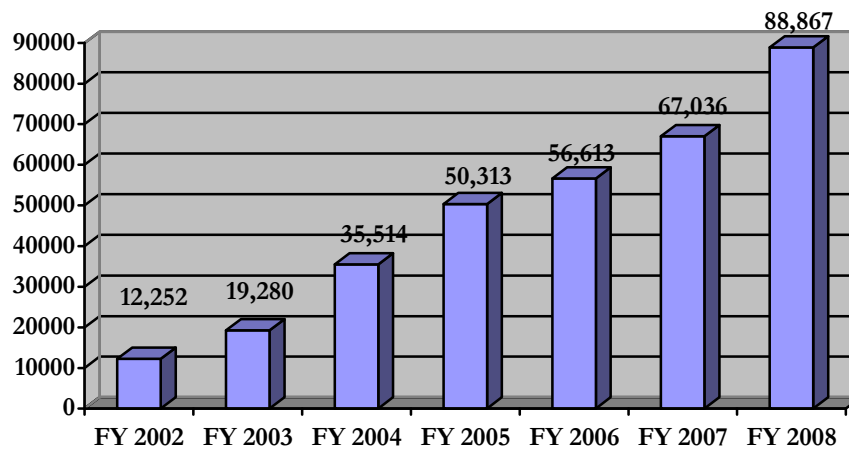


TOLL-FREE ACCESS LINE

As authorized in section 210.903, RSMo., the Registry makes a toll-free access line available to families and employers for the purpose of immediately obtaining background screening results. The access line is staffed by 14 individuals who assist callers not only with obtaining background screening results, but also explaining the results and identifying other resources for information. In addition to the background screening requests received by Internet, mail and FAX, the Registry received 88,867 calls on the toll-free access line in FY 2008. The following charts provide statistical information related to the toll-free access line.

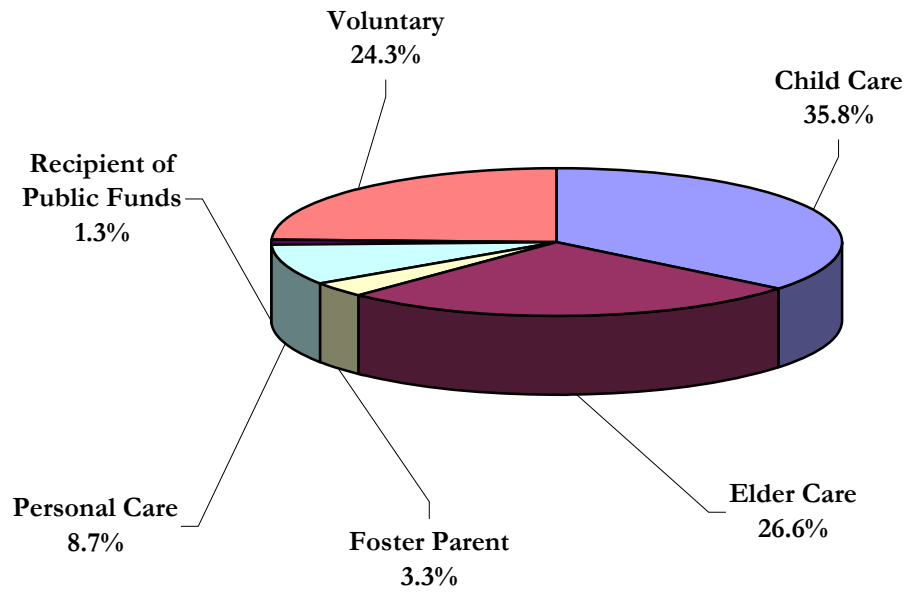
Toll-Free Access Line Activity – Calls Received

FY 2002 – FY 2008



Registry Background Screening Requests by Caregiver Occupation

FY 2008



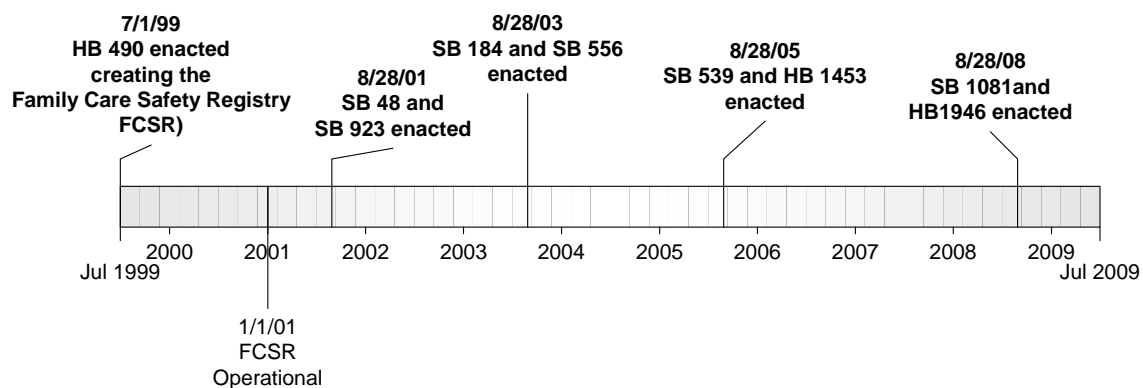
ENHANCEMENTS

In FY 2008, the Family Care Safety Registry completed the development of an Internet-based application designed to allow the public to complete their registration using the web, including making payment using a credit card. The Web Registration project was developed in collaboration with the Office of Administration, Information Technology Services Division and was implemented July 17, 2007. The benefits of Web Registration are expected to be improved customer service and response time as well as reducing the need for additional FCSR staffing as the workload continues to increase.

In the FY 2008 legislative session SB 1081 passed and was signed by Governor Blunt and amends the Family Care Safety Registry to include protections for the developmentally disabled and requires the registry to contain information on mental health workers. Passage of this legislation is expected to result in the new registration of 30,000 additional mental health workers and also the subsequent background screenings of these individuals.

Future technology projects under consideration include replacing the existing computer system with a web-based system required as the existing MOHSAIC system, developed in the early 1990's is quickly becoming obsolete. In addition, technology advancement will also allow the Registry to improve functionality and improve response time. The Department is in the process of requesting funding for this project. In addition, the Registry is participating in a work group with other state agencies that are examining methods to integrate background screening systems already developed in order to maximize resources and allow interoperability. It is expected that by pursuing this type of joint development, state resources can be better managed by taking advantage of existing, proven development, rather than funding new development for multiple projects.

Many changes to the responsibilities of the Registry are a result of the passage of legislation. The graphic below shows the legislative action that has impacted the Registry since its inception.



IDENTIFIED BARRIERS AND RECOMMENDATIONS

The Registry continues to explore ways to improve services to the public. Through discussions with employers, and state and federal agencies, the following barriers have been identified:

1. The Family Care Safety Registry utilizes the MOHSAIC system developed by DHSS in the mid-1990's to perform the data entry of registrant information and to perform background screening searches. ITSD originally developed this system using DELPHI software, which is obsolete and no longer compatible with the other ORACLE software used for data storage and other functions. Software maintenance is no longer available to allow for repair in the event of system failure. FCSR estimates that 160 man-hours were lost in FY 08 due to system downtime/outages, at a cost of \$22,741. ITSD determined that there is high risk that the DELPHI software will fail in the immediate future, and the programming will not be able to be repaired or restored. When this occurs the FCSR will be unable to complete statutory requirements as the existing MOHSAIC system cannot be repaired.

RECOMMENDATION: Request additional appropriation for the purpose of developing and implementing an Internet project that creates an encrypted, secure website to allow employers to access and download the detailed background screening information directly, rather than receive the information by mail.

2. Although not uniformly required by state or federal laws, some employers are interested in obtaining a nationwide background screening in circumstances where an individual has lived or worked outside of the state or if their business offers services in other states. The Family Care Safety Registry is not authorized to obtain fingerprints to be used to perform nationwide (FBI) criminal history screenings. Section 210.906, RSMo., requires individuals to submit identifying information such as name, date of birth and social security number for the purpose of background screenings, but does not require the submission of fingerprints. As fingerprints are required to perform a nationwide search, the Registry is able only to report Missouri data. Because of the real possibility of a person disqualified for employment in one state moving to another state and seeking similar employment, many employers and licensure agencies feel there is an increased risk for harm to occur if the background screening does not reflect an individual's complete criminal history. The Volunteers for Children Act (VCA), Pub L. 105-251, authorizes government agencies and employers offering services to vulnerable citizens the ability to request and receive nationwide criminal history information. If authorized, the Registry could provide a centralized point for the request and release of information allowed by the VCA or integrate the FCSR process into an existing process already developed by another state agency.

RECOMMENDATION: Amend sections 210.903, RSMo., to allow the FCSR to report national criminal history information as authorized under the federal Volunteers for Children Act, Public Law **105-251**. Amend section 210.906, RSMo. to allow the electronic submission of fingerprints for the purpose of “registering” the fingerprints to allow the Registry to report changes in the criminal history record to state agencies for regulatory purposes. Funding will be required to enhance the Registry’s computer system in order to access and report the nationwide information directly and to allow the Registry to provide electronic notification to state regulatory agencies.

3. There are few statutory requirements for background screening that provides for searches of nationwide databases such as the FBI criminal history records or the National Sex Offender database. As Missouri is bordered by several different states, there is a need to provide access to the nationwide databases in order to provide a more comprehensive criminal history record and prevent individuals from seeking employment in Missouri after they have been disqualified from working in another state. Although nationwide fingerprinting is more costly, there is increased risk when such individuals are allowed to have unsupervised access to vulnerable children and adults. In addition, the changes made at the federal level that allow the public to search the Sex Offender database at the national level, now make that information more accessible with minimal cost.

RECOMMENDATION: Amend the various statutes that require background screening to either require the individual or their employer to pay the cost to obtain a nationwide criminal history record at the time of initial hire or to require the nationwide search when the applicant for a position has lived or worked outside Missouri for an extended period of time. Amend sections 210.903 and 210.909 to expand the authorization for the Family Care Safety Registry to include reporting from the National Sex Offender Database, which can be access through the Missouri State Highway Patrol.

4. The Registry is not authorized to report relevant licensure or certification information as part of a background screening. Many employers are required to check a variety of databases prior to allowing an individual become employed. This includes the Certified Nurse Assistant (CNA) Registry and nursing home administrator licenses maintained by DHSS, nurses, physicians, therapists, social workers, etc., licenses maintained by the Division of Professional Registration and teaching licenses and certifications maintained by the Department of Elementary and Secondary Education. Allowing access to this information from a central source, such as the Registry, would further reduce duplication and expense to employers and ultimately expedite their hiring process. Another consideration is that by omitting this information, it is possible for an individual who has had their teaching license or certification revoked or disciplined to work in a licensed child care center or home, or who has had their RN or LPN license suspended, revoked or disciplined to work unsupervised providing services to an elderly or disabled individual in their home.

RECOMMENDATION: Amend sections 210.903 and 210.909, RSMo. to allow the Registry to integrate licensure and certification information maintained by various state agencies. Funding will be required to modify the interface to access and report licensure information.

5. The Registry is not authorized to release driving records on file with the Department of Revenue. In situations where employers such as child care centers, long-term care centers, and adult day care centers provide transportation services, it is important for the employer to have access to driving record information, such as municipal court DWI convictions. These driving records are not usually incorporated into the criminal history information reported by the Missouri State Highway Patrol as part of a background screening. Employers are currently able to contact the Department of Revenue (DOR) to request a copy of an individual's driving record for this purpose. Expanding the Registry's authority to include driving records would reduce duplication and expense for employers responsible for the transport of vulnerable citizens.
6. **RECOMMENDATION:** Amend section 210.903, RSMo. to allow the Registry to report to Missouri driving record information currently available through the DOR. Funding will be required to expand the electronic interface used by the Registry to access and report this information. Section 210.906.1, RSMo., does not prohibit employment of or payment to an individual not registered with the Registry. The statute places the responsibility to register on the individual caregiver, rather than on their employer. Communicating this requirement to the caregiver is difficult, if not impossible, without the cooperation and assistance of their employer. The Registry continues to publicize the requirement through state agency newsletters, contact with professional organizations and by conducted targeted mailings to licensed child-care providers, nursing homes, home health care, hospice, and foster parents.

RECOMMENDATION: Amend section 210.906.1., RSMo., to require employers regulated by, contracting with or who receive state or federal reimbursement for services to ensure employees are registered. Funding is not required to implement this recommendation. The monitoring of the requirement can be incorporated into the inspection protocols currently in place in the DHSS.

7. Not all individuals or employers licensed or regulated by the State have licensing or hiring restrictions clearly defined in the Revised Statutes of the State of Missouri (RSMo.). Clearly defined hiring restrictions will streamline the decision-making process for employers.

RECOMMENDATION: Amend the various statutes that require background screening to include specific disqualifications and penalties for licensed or regulated individuals or employers.

8. Requirements and standards for background screening for individuals or employers licensed by the State of Missouri are not all defined in the Revised

Statutes of the State of Missouri (RSMo.). For example, although hospitals and nursing homes are required to obtain an initial background screening at the time of hire under section 660.317, RSMo., there isn't a requirement that the facility repeat the screening for an existing employee. Therefore, if a background screening is performed at the point of hire, and the employee is later convicted of a criminal offense, the hospital or long-term care facility will remain unaware of the additional finding, even though it may be disqualifying under section 660.317, RSMo. In the past repeating a background screening was cost-prohibitive, but since the creation of the Family Care Safety Registry, which allows background screenings to be repeated at no additional cost to the employer, employer costs for background screenings can be minimized.

RECOMMENDATION: Modify the various statutes that require background screenings for individuals and facilities licensed by the State of Missouri to also require repeating background screenings at least annually.

9. The Registry is not authorized to release background screening information to individuals who are not directly employed, such as volunteers who provide services through voluntary or recreational associations, such as Boy Scouts, Girl Scouts, 4-H, etc. Section 210.921, RSMo., specifically restricts release of information for employment purposes and defines "employment purposes" as direct employer-employee relationships, prospective employer-employee relationships, and screening and interviewing of persons or facilities by those persons contemplating the placement of an individual in a child-care, elder-care or personal-care setting. Many voluntary or recreational associations (YMCA, Boy Scouts, church youth groups) have expressed interest in utilizing the Registry to obtain background screening information, but are prevented from doing so because the individuals they are screening are unpaid volunteers. These voluntary associations currently use an outdated request system called the Caregiver Background Screening Service (CBSS). The CBSS was created by Executive Order 99-05 in 1999 by Governor Carnahan and was intended to be replaced eventually by the Registry. In order to accommodate requests from the voluntary agencies, the Registry's statute would need to be revised to add additional authority to respond to requests from voluntary and recreational associations or agencies.

RECOMMENDATION: Amend Section 210.921.1, RSMo., to allow the Registry to provide background screening information to voluntary or recreational associations that perform background screenings on unpaid volunteers. This requires a legislative change only and additional funding is not required to implement this change.